

**US Army Corps
of Engineers**
Louisville District ®

Public Notice

Public Notice No.
LRL-2013-742

Open Date:
29 Apr 2014

Close Date:
29 May 2014

Please address all comments and inquiries to:
U.S. Army Corps of Engineers, Louisville District
ATTN: Mr. Matt Dennis, CELRL-OP-FW
P.O. Box 489
Newburgh, IN 47630
lr.regulatorypubliccomment@usace.army.mil

Phone: 812-842-0647

This notice announces an application submitted for a Department of the Army (DA) Permit, subject to Section 404 of the Clean Water Act:

APPLICANT: Armstrong Logistics Services, Inc.
407 Brown Road
Madisonville, Kentucky 42431

LOCATION: Tributaries and wetlands that drain to Smith Ditch, located south of Pride, Union County, Kentucky.

Latitude: 37.52264 North
Longitude: 87.89341 West
7.5 Minute Quad: Sturgis, KY

PURPOSE: To construct an overland conveyor to transport coal from a proposed underground mine to a proposed prep plant for processing/shipment.

DESCRIPTION OF WORK: The proposed work includes the construction of an overland conveyor from the proposed Armstrong Coal Company, Inc Armstrong West No. 9 Underground Mine to the proposed Armstrong Coal Company, Inc West Prep Plant. The total project area for the conveyor corridor construction is 27.5 acres. The entire project area is located within the Smith Ditch HUC 12 (051402050503). As part of the project, an access road will be constructed alongside a portion of the conveyor for maintenance.

Streams and wetlands would be impacted from the construction of the conveyor and the installation of the maintenance road within the conveyor corridor. One ephemeral and two intermittent streams would be impacted by the installation of a corrugated metal pipe (CMP) culvert on each stream to allow for the maintenance road crossing. A total of 20 feet of ephemeral stream and 114 feet of intermittent stream would be encapsulated as a result of the culvert installations.

The conveyor corridor would also cross a forested wetland area. The road construction associated with the conveyor would result in the

Operations Division
Regulatory Branch (West)
Public Notice No. LRL-2013-742-mad

discharge of rock fill within 0.5 acres of Palustrine Forested Wetland (PFO) and 0.1 acre of Palustrine Scrub-Shrub Wetland (PSS).

Additionally, the area below the conveyor's footprint would be cleared and maintained as an emergent wetland, and result in the conversion of 0.8 acre PFO and 0.2 acre PSS to Palustrine Emergent Wetland (PEM).

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES:

The applicant has attempted to avoid and minimize impacts to jurisdictional "Waters of the United States".

The conveyor is being constructed to transport coal from the proposed #9 Mine to the proposed processing/shipping facilities located at the proposed West Prep Plant. The applicant met with multiple land owners to negotiate a route for the corridor that was reasonable and acceptable to all property owners. Other potential routes between the two sites would result in impacts to either similar or potentially higher quality resources in the area, or were not obtainable from the landowners

The design for the conveyor includes the use of best management practices, reclamation, and mitigation to compensate for direct impacts. Mitigation will be accomplished by purchase of 2.6 adjusted mitigation units (AMU) from the Kentucky Department of Fish and Wildlife In-Lieu Fee Program.

It is noted that this proposed mitigation plan is open to comment and subject to change. The Corps will make a determination of appropriate mitigation, upon review of all submitted information.

REVIEW PROCEDURES: A DA Permit cannot be issued if any legally required Federal, State, or local authorization or certification is denied. A DA permit, if otherwise warranted, will not be issued until a State of Kentucky Water Quality Certification or waiver is on file at this office. In order to comply with Section 401 of the Clean Water Act, the applicant must apply for State certification from the Kentucky Energy and Environment Cabinet Division of Water (KDOW).

Copies of this notice are sent to the appropriate Federal and State Fish and Wildlife Agencies. Their views and comments are solicited in accordance with the Fish and Wildlife Coordination Act of 1956. Based on available information, the proposed activity will not destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider

this application. A request for a public hearing must state the specific interest which might be damaged by issuance of the DA Permit.

The National Register of Historic Places has been examined, and it has been determined that there are no properties currently listed on the Register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archaeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetic values, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and in general, the needs and welfare of the public. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines (40 CFR Part 230) promulgated by the Administrator, United States Environmental Protection Agency, under authority of Section 404(b) of the CWA.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. It is presumed that all interested parties and agencies will wish to respond; therefore, a lack of response will be interpreted as meaning that there is no objection to the proposed project. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written statements received in this office on or before the closing date will become a part of the official record and will be considered

Operations Division
Regulatory Branch (West)
Public Notice No. LRL-2013-742-mad

in the determination on this permit request. Any objections which are received during this period will be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. A permit will be granted unless its issuance is found to be contrary to the public interest.

Information pertaining to this application is available for public examination during normal business hours upon prior request. Drawings are available on Louisville District's Internet site at <http://www.lrl.usace.army.mil/Missions/Regulatory.aspx>. All comments regarding this proposal should be addressed to Mr. Matt Dennis; CELRL-OP-FS at the address noted above and should refer to the Public Notice Number LRL-2013-742-mad.

If you desire to submit your comments by email, you must comply with the following:

a) In the subject line of your email, type in **ONLY** the Public Notice ID No. LRL-2013-742-mad.

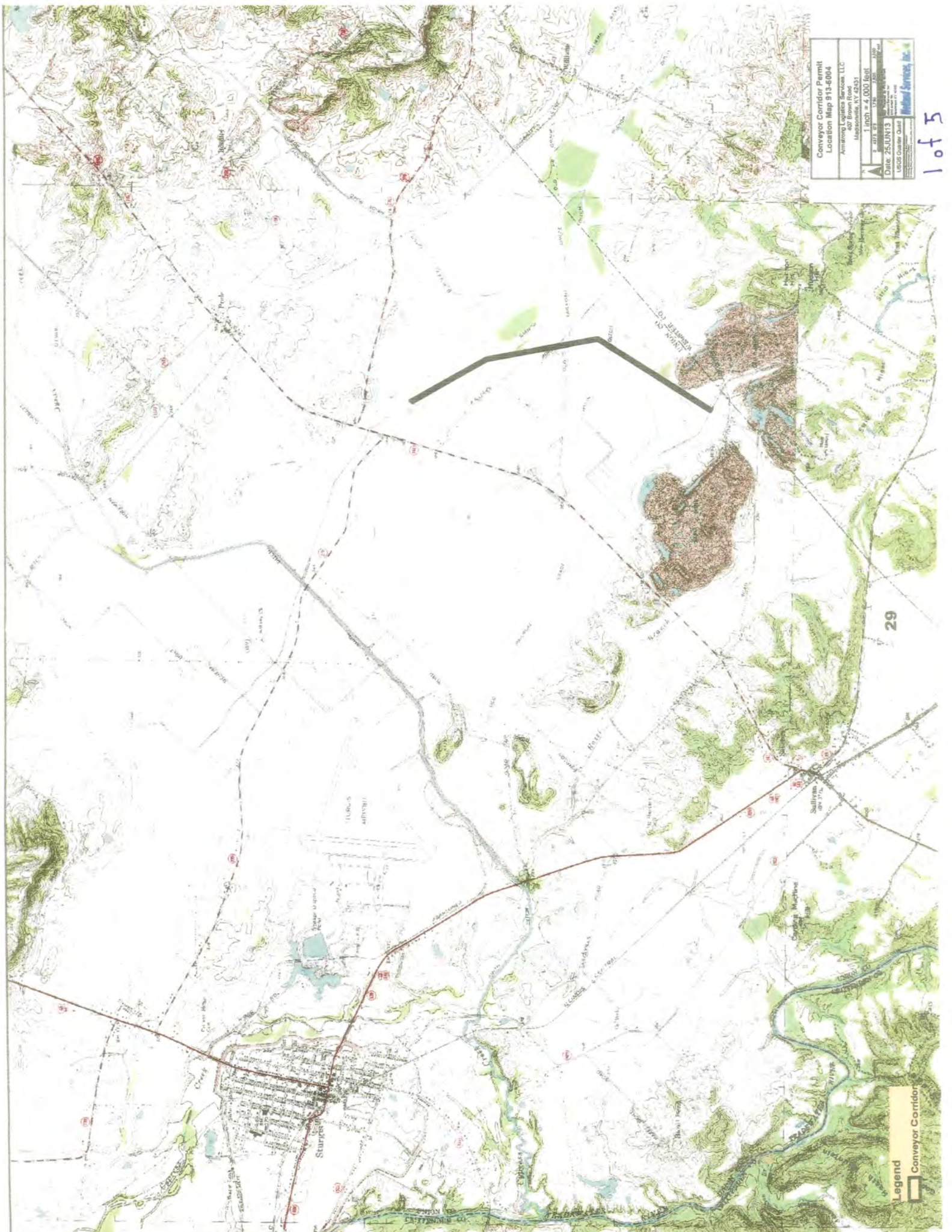
Example:

Subject: LRL-2013-742-mad

b) Provide your physical mailing address and telephone number.

c) Send your email to: lrl.regulatorypubliccomment@usace.army.mil.

d) If you are sending attachments greater than 1 Mb in size with your email, you must send a hard copy (CD or paper) to the Corps' physical address as well.



Conveyor Corridor Permit
Location Map 913-6904

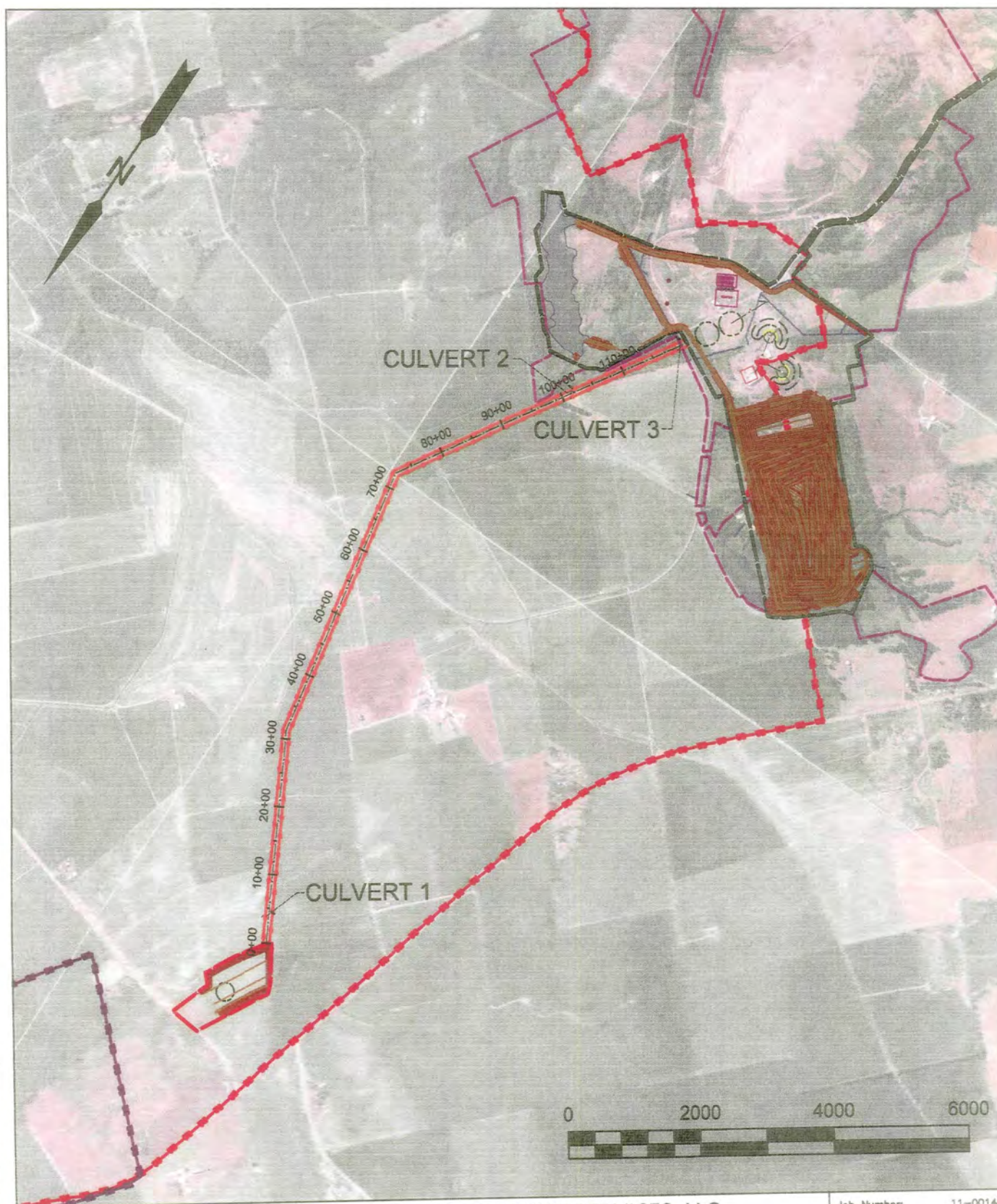
Aerials Location Services, LLC	
Madisonville, KY 42433	
1 inch = 4,000 feet	Scale
Date: 25 JUN 13	Sheet 5 of 5
USGS Online Data	
Aerials Location Services, LLC	

1 of 5

29

Legend

 Conveyor Corridor



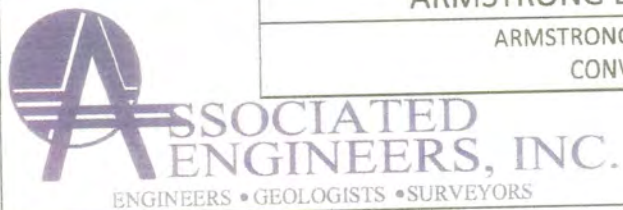
ARMSTRONG LOGISTICS SERVICES, LLC

ARMSTRONG WEST NO. 9 CONVEYOR CONVEYOR PLAN VIEW

Job Number: 11-0014C

Date: 04/11/2014

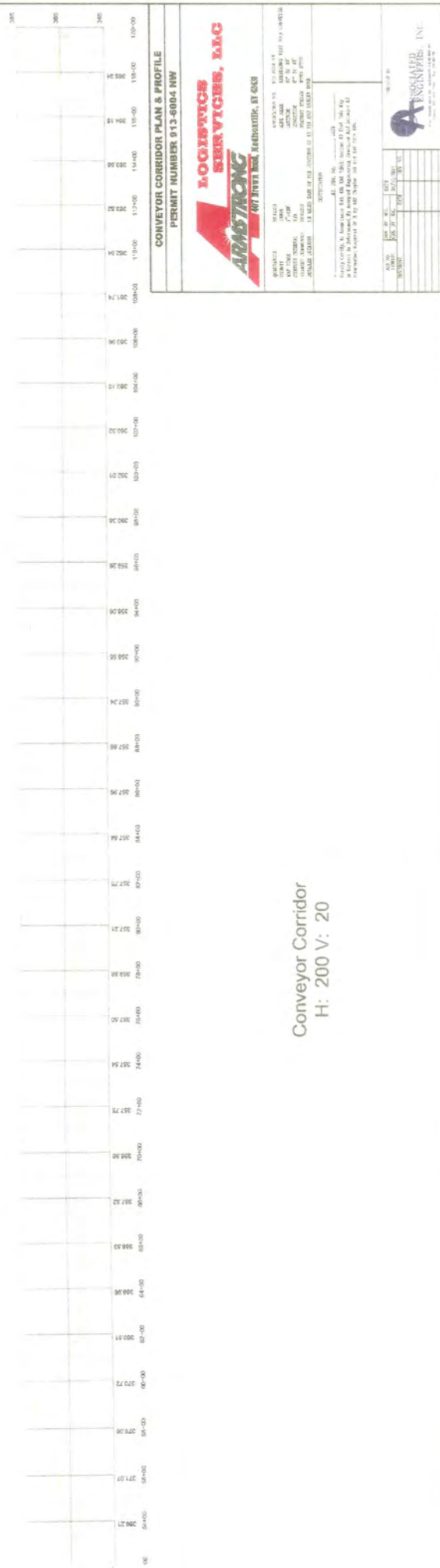
Drawn By: MTL



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www.associatedengineers.com



Conveyor Corridor
 H: 200 V: 20



CONVEYOR CORRIDOR PLAN & PROFILE
PERMIT NUMBER 913-6004 NW

LOGISTICS SERVICES, LLC
ARMSTRONG

497 River Road, Lodi, New York 14201

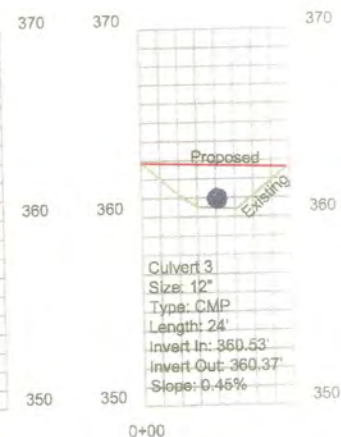
DESIGNED BY: LOGISTICS SERVICES, LLC
 CHECKED BY: J. J. JONES
 DATE: 10/1/13
 PROJECT: 913-6004 NW
 DRAWN BY: J. J. JONES
 SCALE: 1" = 40'

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DATE: 10/1/13
 DRAWN BY: J. J. JONES
 CHECKED BY: J. J. JONES
 DESIGNED BY: J. J. JONES

ASSOCIATED ENGINEERS, INC.

Conveyor Corridor
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Culvert 3
Cross Section A-A'
Scale: 1"=10'

 <p>ASSOCIATED ENGINEERS, INC. ENGINEERS • GEOLOGISTS • SURVEYORS</p>	ARMSTRONG LOGISTICS SERVICES, LLC		Job Number: 11-0014C
	ARMSTRONG WEST NO. 9 CONVEYOR CULVERT PROFILES		Date: 04/11/2014
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